

App. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

D3  
Pub  
E4  
Cont

composition comprising the steps of providing a flowable acidic component, providing a particle comprising an alkaline detergent ingredient, applying the flowable acidic component to the particle, to form a particulate detergent or detergent premix component consisting essentially of particles wherein the amount of acidic component applied to the particle is governed by the formula  $m_a / (m_a + m_p) = c \cdot 1/r$ , where  $m_a$  is the weight of the acidic component applied,  $m_p$  is the weight of the particle,  $r$  is the radius of the particle in  $\mu m$ , and  $c$  is a factor of 0.5 length units to 10 length units, and mixing the particulate detergent or detergent premix component with at least one other particulate component to form the detergent composition.

REMARKS

Claims 10-16, 18, and 19 were pending. Claim 13 has been canceled, leaving claims 10-12, 14-16, 18, and 19.

The specification was objected to as lacking support for the acidic components recited in claim 10. The specification now describes these components at page 3, following line 22. No new matter has been added, as claim 7 of the application as originally filed recited the components. Therefore the objection to the specification should end.

Claim 13 was objected to as not further limiting claim 12, from which it depended. By this amendment claim 13 is canceled, leaving no reason for this objection.

APR 10 2002  
GROUP 1700  
Official  
FAX RECEIVED

Appl. No. 09/718,943  
Filed November 22, 2000

FAX RECEIVED  
APR 10 2002  
GROUP 1700

Docket H 4325

Official

Claims 10 and 18 have been amended to specify  $\mu\text{m}$  as the unit for  $r$ . Support for these changes is found in the paragraph bridging pages 2 and 3 of the specification. Also, the upper limit for  $c$  in claim 10 is now 10, which is described at page 2, line 25. This limit appeared in claim 18 as originally presented. Lastly, claim 10 now recites that the product of the process consists essentially of particles having the recited characteristics. This limitation, which also appeared in claim 18 as originally presented, has been added to more clearly distinguish the claimed process from those of the art, as will be explained in more detail below.

Claims 10-16 stand rejected as either anticipated or obvious over the abstract of DD 140,987. The Examiner finds that the granules the abstract describes would inherently satisfy the formula claim 10 recites. But one need not speculate about inherency. Solving for  $c$  using the data given in the abstract,  $c = (r) m_c / (m_c + m_p) = (100\mu\text{m}) 15 / (15 + 80) = 15$ , which is outside the claimed range for  $c$  of 0.5 to 10. Thus the disclosure does not inherently satisfy, and therefore the abstract cannot anticipate, the limits of the claims 10-16.

As for obviousness, even if one could modify this disclosure to satisfy the claimed limits, there is no suggestion to select and balance the dimensions and acid content of the granules as required by the invention. This is not a case of routine optimization, as these parameters are not identified by the prior art as critical or result-effective. Therefore, evidence of suggestion or motivation must be shown.

App. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

FAX RECEIVED  
APR 10 2002  
GROUP 1700

Official

The DD 140,987 abstract provides no guidance to control the acid content and dimensions to arrive at the claimed particles. There is no suggestion to make a particulate composition consisting essentially of such particles. For this reason continued rejection of claims 10-16 for obviousness over the DD 140,987 abstract is not warranted.

Claims 10-16, 18, and 19 were rejected as anticipated by or obvious over WO 92/17404. Again, it is alleged that the claimed limitations are inherent in the disclosure. Again, using the actual concentration and particle distribution data in the examples at page 8 of the reference, one will find particles with  $c$  as low as 7.5 and as high as 30. Inherency requires that all the claimed elements as combined necessarily flow from the teachings of the reference. That an element may result does not establish inherency. In re Rijckaert, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2112. Applicants have just established that the process of WO 92/17404 does not always lead to what is claimed. It follows that the claimed process is not inherent in the disclosures of the reference.

Moreover, the reference does not suggest the relationship of acid concentration and particle dimension required by the claims, nor does it suggest forming a particulate composition consisting essentially of such particles. It is not disclosed what the particle size distribution is within the range of 0.2 to 0.8 mm in the examples. The reference is indifferent to particle size and provides no motivation except in hindsight for one of skill to guide the disclosed process toward applicants' claims.

Appl. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

Routine optimization also doesn't apply, since the claimed combination of variables is not recognized in the art as having any significance. For these reasons the claims as amended are not obvious over WO 92/17404.

Lastly, claims 10-16, 18, and 19 were rejected as obvious over GB 2,337,054. It is undisputed that this disclosure lies substantially outside of applicants' claims. Lacking any explicit motivation in this or any other art to focus on that portion of the disclosure that falls within the claims, the Examiner again relies on the doctrine of routine optimization. As noted above, a prerequisite to the application of this doctrine is that the P.T.O. must first establish that the variable here optimized was recognized in the art as result-effective. Neither GB 2,337,054 nor any other reference cited thus far shows any recognition of the significance of the relationship between the amount of acid coating and particle size, let alone its quantification as claimed. Application of routine optimization to GB 2,337,054 is improper, and the claims are allowable over this art.

Official  
FAX RECEIVED  
APR 10 2002  
GROUP 1700

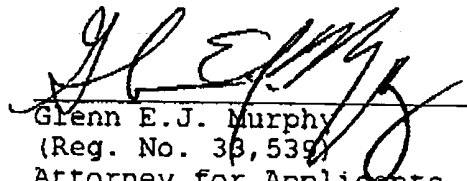
Appl. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

CONCLUSION

In view of the amendments and remarks above, applicants ask for reconsideration and allowance of the claims. Any fees due for entry and consideration of this Amendment that have not been accounted for should be charged to Deposit Account No. 01-1250.

Respectfully submitted,

  
Glenn E.J. Murphy  
(Reg. No. 38,539)  
Attorney for Applicants  
(610) 278-4926

Henkel Corporation  
Patent Law Department  
2501 Renaissance Blvd., Suite 200  
Gulph Mills, PA 19406

GEM:ldm

FAX RECEIVED  
APR 10 2002  
GROUP 1700

Official

Appl. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

CLAIMS AMENDED SHOWING AMENDMENTS MADE APRIL 10, 2002

10. (twice amended) A process for the production of a particulate detergent or detergent premix component comprising the steps of providing a flowable acidic component, providing a particle comprising an alkaline detergent ingredient, and applying the flowable acidic component to the particle, to form a particulate detergent or detergent premix component consisting essentially of particles wherein the amount of acidic component applied to the particle is governed by the formula  $m_c / (m_c + m_p) = c \cdot 1/r$ , where  $m_c$  is the weight of the acidic component applied,  $m_p$  is the weight of the particle,  $r$  is the radius of the particle in  $\mu m$ , and  $c$  is a factor of 0.5 length units to [20 10 length units, and wherein the acidic component comprises one or more acids selected from the group consisting of mono- or dicarboxylic acids containing 10 to 22 carbon atoms, sulfuric acid monoalk(en)yl esters containing 10 to 20 carbon atoms, alk(en)yl or alkylaryl sulfonic acids containing 10 to 20 carbon atoms, and polymeric polycarboxylic acids obtainable by polymerization of ethylenically unsaturated mono- and/or dicarboxylic acids.

18. (amended) A method of preparing a detergent composition comprising the steps of providing a flowable acidic component, providing a particle comprising an alkaline detergent ingredient, applying the flowable acidic component to the particle, to form a particulate detergent or detergent premix component consisting essentially of particles wherein the amount of acidic component applied to the particle is governed by the formula  $m_c / (m_c + m_p) = c \cdot$

Appl. No. 09/718,943  
Filed November 22, 2000

Docket H 4325

$1/r$ , where  $m_c$  is the weight of the acidic component applied,  $m_p$  is the weight of the particle,  $r$  is the radius of the particle in  $\mu\text{m}$ , and  $c$  is a factor of 0.5 length units to 10 length units, [to form a particulate detergent premix,] and mixing the particulate detergent or detergent premix component with at least one other particulate component to form the detergent composition.

FAX RECEIVED  
APR 10 2002  
GROUP 1700  
Official